In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.15278 of 2005

Date of Decision: 23.11.2006

Mohd.Israil & Others …Petitioners.

Versus

State of Haryana & Others. …Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE M.M.S.BEDI

Present: Mr.R.K.Malik, Advocate for
Petitioner.

Mr.Harish Rathee, Sr.DAG Harana for the
Respondents No.1 to 3.

Mr.Rajesh Mahajan, Advocate for the
Respondent No.4.

JUDGMENT

M.M.KUMAR, J. (ORAL)

The claim which survives for consideration in this petition filed under Article 226 of the Constitution of India is as to whether the petitioner Nos.3 & 4 are entitled to subsistence allowance which has been paid upto February 2006. It is admitted

position that no subsistence allowance after February 2006 has been paid to them. Thereafter, the prayer is made for releasing the subsistence allowance w.e.f. March 2006 upto date. The further claim has also been made that petitioners Nos.1 & 2 are entitled for standard scales after having rendered 10/20 years of service in pursuance of the instructions dated 22.10.2003 (Annexure P3). They have also claimed the grant of Dearness Allowance as has been granted to the Government Teachers by the Education Department. As has been done in case of Government Teachers, they claimed as per the detail furnished in Annexures P5 to P8, respectively.

Learned counsel for the respondent-Management has stated that a communication has been addressed to the District Education Officer, Nuh on 10.11.2006 for release of the aforementioned financial claims made by the petitioner. However, the District Education Officer has not yet released those financial demands.

In view of the above, we direct the respondents to release the subsistence allowance to petitioners No.3 & 4 upto date subject to fulfillment of the requirement of the Rules. We further direct the respondents to grant the benefit of standard scales to the petitioners No.1 & 2 as per the instructions dated 22.10.2003 (Annexure P3) and also release the Dearness Allowance to them at par with the Haryana Government employees.

The petition stands disposed of in above terms.

The needful shall be done within a period of three months from the date a certified copy of the order is supplied to the respondents.

(M.M.KUMAR)
Judge

November 23, 2006 **(M.M.S.BEDI)**
dkb **Judge**